

FILED 07 DEC '16 15:26 USDC-ORP

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

Portland District of Oregon

## Request for Expedited Hearing (Attachment A)

Roy B Conant

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

State of Oregon

Kate Brown, Governor;

Ellen F. Rosenblum, Attorney General, .G;

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 3:16-cv-2290-HZ  
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Conant, Roy B.
Street Address	1833 NE 52 <sup>nd</sup> Avenue, No 3
City and County	Portland, County of Multnomah
State and Zip Code	Oregon 97213
Telephone Number	503-819-2017
E-mail Address	Roy(underscore)Conant@q.com

70367

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

**Defendant No. 1**

Name	Brown, Kate
Job or Title ( <i>if known</i> )	Governor, State of Oregon
Street Address	160 State Capitol, 900 Court Street
City and County	City of Salem, Marion County
State and Zip Code	Oregon 97301
Telephone Number	(503) 378-4582
E-mail Address ( <i>if known</i> )	info@katebrownfororegon.com

**Defendant No. 2**

Name	Rosenblum, Ellen F.
Job or Title ( <i>if known</i> )	Attorney General, State of Oregon
Street Address	1162 Court Street N.E.
City and County	City of Salem, Marion County
State and Zip Code	Oregon 97301
Telephone Number	(503) 378-4400
E-mail Address ( <i>if known</i> )	

**Defendant No. 3**

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

**Defendant No. 4**

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

E-mail Address (if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- ☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1. U.S. Constitution, Article I, Section 2; Article II, Section 1; Article IV, Section 4; Amendment XIV, Sections 1, 2 and 3; Amendment V;
2. 2 U.S. Code Chapter 1 § 2a - Reapportionment Act of 1929;
3. 2 U.S. Code Chapter 1 § 6 - Reduction of representation;
4. 2 U.S. Code Chapter 1 § 2c - Number of Congressional Districts; number of Representatives from each District;
5. 3 U.S. Code Chapter 1 § 1, § 4, § 5, § 6- Time of appointing electors;
6. 28 U.S. Code § 2284 - Three-judge court;
7. 52 U.S. Code Subtitle 1, Chapter 103 § - Proceeding to enforce the right to vote;
8. 52 U.S. Code § 10101

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The Presidential Election Laws of the State of Oregon and the election provisions of the Oregon Constitution as overseen and enforced by Kate Brown, Governor and Ellen F. Rosenblum, Attorney General violate the U.S. Constitution and my rights in multiple ways:

- 1.) Denying the unequivocal Right to an Unabridged Vote (Amendment XIV, Section 2)
  - 2.) Failing to allow votes directly for Electors by name for Presidential and Vice Presidential Electors
  - 3.) Denying the Right-to-Vote at Election individually for a "choice" of both a Presidential Elector and a Vice-Presidential Elector (Amendment XIV, Section 2) by not listing them separately on the ballot
  - 4.) Violating the principle of One-Person-One-Vote
  - 5.) Failing to provide Equal Protection of the Law to all voters
  - 6.) Abridging and Diluting the value of the vote by allowing the Oregon body of Presidential Electors to fill a vacancy without stipulating the vacancy must be filled by an Elector for the same Presidential or Vice Presidential Candidate as the Elector originally selected by the voters
  - 7.) Failing to protect the sovereign right of the citizen in a republican form of government to vote for the state-wide legislative body of Presidential Electors
  - 8.) Violating the right of due process in "taking" the vote by supplanting Electors selected by vote with Electors not selected by vote (Amendments V & XIV; Section 1)
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#### **IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Grant Emergency Injunction against certifying 2016 Oregon Presidential Electors pending ruling of this Court on the issues brought herein and others as they may arise during proceedings
  2. Grant Emergency Nationwide against certifying 2016 U.S. Presidential and Vice Presidential Electors pending ruling of this Court on the issues brought herein and others as they may arise during proceedings.
  3. Find the Right-to-Vote at elections for Presidential and Vice Presidential Electors is irrevocably asserted in Amendment XIV, Section 2
  4. Find the irrevocable Right-to-Vote at elections as asserted in Amendment XIV, Section 2 is affirmed in statute by 2 U.S. Code, Chapter 1 § 6
  5. Find Amendment XIV, Section 2 supercedes portions Article II, Section 1 removing the exclusive power of the State to appoint Presidential and Vice Presidential Electors "in such manner as the Legislature thereof may direct."
  6. Find removing the power of the State Legislature to appoint Presidential and Vice Presidential Electors "in such manner as the Legislature there of may direct" limits the State Legislature to providing means by which Presidential and Vice Presidential Elector candidates may stand for election by the voters
  7. Find such a body of Presidential and Vice Presidential Electors as provided by the state is a state-wide Legislative Body
  8. Find the sovereign Right-to-Vote for Presidential Electors as a state-wide legislative body is vested in the citizens of the state who are guaranteed a republican, representative state government (Article IV, Section 4)
  9. Find voters for Electors for President and for Vice President must have the same characteristics and qualifications as for the most populous house of the State Legislature and the qualifications to Vote at Election for electors for President and for Vice President (Amendment XIV, Section 3)
  10. Find that a fundamental characteristic and qualification of voters in the State of Oregon is, with the exception of state-wide offices, they vote by district
  11. Find that a method of selecting Electors for President and for Vice President which is faithful to the characteristics and qualifications of the voters, requires said Electors shall be Elected by district in the same manner as the members of the House of Representatives and of the U.S. Senate
  12. Empanel a Three Judge Panel as required by 28 U.S. Code § 2284 for constitutional issues relating to a state-wide legislative body and 52 U.S. Code § 10101 a.2.A and 52 U.S. Code § 10302 a.2
  13. Find the failure of the state of Oregon to list Presidential Electors and Vice Presidential Electors by name on the ballot, separately and individually, violates Amendment XIV, Section 2
  14. Find Oregon's Winner-Take-All Presidential Electors Statutes violate one-person-one-vote, the Equal Protection Clause, the sovereign Right-to-Vote, and the right to have a legislative body of Presidential and Vice Presidential Electors representative of and responsive to the vote.
  15. Order 2016 Presidential Electors equal in number to Oregon's Congressional Representatives be allocated as though elected by House District in the State.
  16. Order 2016 Presidential Electors equal in number to Oregon's U.S. Senators be proportionally allocated if no candidate had a statewide majority with a margin of 5 percentage points or larger
  17. Order the State beginning with the 2020 Presidential Election to implement voting for named Presidential and Vice Presidential Electors, separately and individually, for said Electors by Congressional House District equivalent in number to the number Oregon's Congressional Representative
  18. Order the State beginning with the 2020 Presidential Election to implement proportional assignment of Presidential and Vice Presidential Electors equal in number to Oregon's U.S. Senators to the Electors with the first and second most votes when said Electors have not received a majority of the vote with at least a 5 percent margin of victory
  19. Order the State to submit changes in law to effect said Orders for approval of the Court by a date no later than one year following the findings and orders of the Court
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**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/07/2016

Signature of Plaintiff

Printed Name of Plaintiff

  
Roy B. Conant, ProSe

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Addendum to Attached Complaint against named defendants filed by Roy B. Conant,  
December 7, 2016 Page | 1

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UNITED STATES DISTRICT COURT  
FOR  
PORTLAND DISTRICT OF OREGON

Roy B. Conant

Plaintiff(s),

vs.

Case No. 3:16-CV-2290-HZ

State of Oregon

Kate Brown, Governor

Ellen F. Rosenblum, Attorney General

Defendant(s).

**MOTION FOR**

**Expedited Emergency Hearing**

(basis for Motion)

The above-cited complaint concerns irregularities in the vote for Presidential and Vice Presidential electors which, if upheld, would change the composition of Oregon electors allowed to vote in the Electoral College. Presidential and Vice Presidential Electors must be certified by December 13, 2016.

The following party/party: Roy B. Conant in the above-named case hereby move(s) the United States District Court, Portland, District of Oregon for an Order to: **compel defendants to answer no later than Thursday, December 8, 2016 and to schedule hearing no later than Monday, December 12, 2016**



Addendum to Attached Complaint against named defendants filed by Roy B. Conant,  
December 7, 2016 Page | 2

**because:**

- 1. The decision of the court may change the composition of Oregon Presidential and Vice Presidential Electors certified to vote in the Electoral College December 19, 2016**
- 2. The deadline for the Certification of Oregon Electors to the Archivist of the United States is December 13, 2016**

Said Motion is based upon the attached Complaint Signed this 7th day of December, 2016.

Signature of Party	_____
Date:	<u>12/07/2016</u>
Mailing Address	1833 NE 52 <sup>nd</sup> Avenue, No. 3 Portland, Oregon 97213
Telephone Number	503-819-2017